

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 01-1500
v.	)	
	)	Tract No(s). 3405E
1.71 ACRES OF LAND, MORE OR LESS,	)	
SITUATE IN WASHINGTON COUNTY,	)	Project Lower Monongahela
COMMONWEALTH OF PENNSYLVANIA, and	)	River Project
MIDDLE MONONGAHELA INDUSTRIAL	)	
DEVELOPMENT ASSOCIATION, INC.,	)	(Electronically Filed)
et al.,	)	
Defendants.	)	

**JUDGMENT OF JUST COMPENSATION  
AND ORDER OF DISTRIBUTION**

AND NOW, this 5<sup>th</sup> day of May, 2007, upon consideration of the

Motion for Judgment of Just Compensation filed herein and it further appearing to the Court that:

1. The public use for which the property subject of this Judgment is taken is authorized by law, and that said tracts of land and acquisition thereof are necessary for said public use.
2. This case is within the jurisdiction of the United States District Court for the Western District of Pennsylvania, which has the power and authority to enter judgment.
3. On the date of filing of the Declaration of Taking and Complaint in Condemnation, the plaintiff, United States of America, acquired estates and interests in Tract No. 3405E, which are set forth with particularity in said Declaration and Complaint.
4. On August 8, 2001, Plaintiff initiated this civil eminent domain action by filing a Complaint in Condemnation, a Notice of Condemnation, a Declaration of Taking, and a

Motion for Order for Delivery of Possession of a temporary easement and right-of-way for a period not to exceed eight (8) years, or until August 16, 2009.

5. The parties have agreed to an extension of the easement acquired through December 31, 2019 under the same terms and conditions as set forth in the original Declaration of Taking. The parties have stipulated and agreed that the original Schedule "B" of the Declaration of Taking filed with the Court on or about August 8, 2001 shall be amended and substituted by the Amended Schedule "B" attached to the Stipulation of Just Compensation. The Amended Schedule "B" shall extend that date of possession granted to the United States through December 31, 2019.

6. The said tract of land is situated in County of Washington, Commonwealth of Pennsylvania, and is more particularly described in the Declaration of Taking and Complaint filed in this condemnation proceeding.

7. All parties that may have had an interest in said tracts were made parties to this action and were duly served and given proper notice of all proceedings according to law.

8. All appropriate taxing authorities, as listed on Schedule B attached to the Declaration of Taking, have been served with notice of the condemnation. No taxing authority, however, has submitted a claim for taxes or liens due and owing on the subject tract.

9. At the time of taking, defendants, Middle Monongahela Industrial Development Association, Inc., Norfolk Southern Railway Company, and Pine Oaks Land Development Corporation, Inc, were the owners of all estates and interests in Tract No. 3405E.

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT the original Schedule "B" of the Declaration of Taking filed with the Court on or about August 8, 2001 shall

be amended and substituted by the Amended Schedule "B" attached to the Stipulation of Compromise Settlement. The Amended Schedule "B" shall extend that date of possession granted to the United States through December 31, 2019.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the sum of said sum of \$177,500.00 (One Hundred Seventy Seven Five Hundred Dollars and 00/100), is the full and just compensation for the taking of the estates and interests in Tract No. 3405E, and that all liens, claims, encumbrances, interests, and demands of every nature whatsoever existing at the time of said taking are hereby transferred from the land and that any and all awards of just compensation that may be made in this proceeding shall be payable and deductible from the sum of \$177,500.00 (One Hundred Seventy Seven Five Hundred Dollars and 00/100), as agreed to by the parties in the Stipulation attached hereto as Exhibit "1".

FURTHER, it appearing that the sum of \$177,500.00 (One Hundred Seventy Seven Five Hundred Dollars and no/100) was deposited into the Registry of the Court at the time of filing of the Declaration of Taking and in later deposits into the Registry of the Court as estimated just compensation for the taking of Tract No. 3405E, no deficiency exists in the Registry of the Court for the estates taken.

FURTHER, IT IS ORDERED and DECREED that the Clerk of the United States District Court for the Western District of Pennsylvania, without further order of this Court, shall pay the following amount to the following parties:

Middle Monongahela Industrial Development Authority shall receive \$70,000.00 (Seventy Thousand Dollars and 00/100),

Pine Oaks Land Development Corporation, Inc. shall receive \$70,000.00 (Seventy Thousand Dollars and 00/100), and

Norfolk Southern Railway Company shall receive \$37,500 (Thirty Seven Thousand Five Hundred Dollars and 00/100),

said sums to be distributed being the amount of just compensation judicially determined for the estates and interests acquired in Tract No. 3405E.


FURTHER, IT IS ORDERED and DECREED that the Clerk of the United States District Court for the Western District of Pennsylvania shall pay any interest accrued on the sum of \$69,500.00 (Sixty Nine Thousand Five Hundred Dollars and no/100) previously deposited to the United States of America, as follows:

Middle Monongahela Industrial Development Authority shall receive 39.4%,

Pine Oaks Land Development Corporation, Inc. shall receive 39.4%, and

Norfolk Southern Railway Company shall receive 21.2%.

FURTHER, it being represented to the Court that nothing further remains to be done as to this proceeding, it is ORDERED and DIRECTED that Civil Action No. 01-1500 be stricken from the docket and marked closed.

  
UNITED STATES DISTRICT JUDGE

cc: Jessica Lieber Smolar, AUSA  
Andrew G. Kimball, Counsel for Norfolk Southern Railway Company  
Middle Monongahela Industrial Development Authority  
Pine Oaks Land Development Corporation Inc.  
Finance Office, Clerk's Office